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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,742	09/29/2000	Takashi Saito	001215	2058

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ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

ZIMMERMAN, GLENN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/671,742

Applicant(s)

SAITO ET AL.

Examiner

Glenn Zimmerman

Art Unit

2879

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 20 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See *Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See *Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: 6.

Claim(s) rejected: 2-5.

Claim(s) withdrawn from consideration: 7.

8. ☒ The proposed drawing correction filed on 20 May 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: The newly added limitation in claim 2 would require further consideration and especially the wording "reflects all wavelengths of at least visible light and electromagnetic energy away from the back surface glass plate". This information was not in claim 4. There is also a 112 2nd issue with the using of the wording "all" and then "at least" within the newly added limitation to claim 2, which leaves one with the question which is it "all" or "at least". Also there may not be metals available that can reflect all electromagnetic radiation, as this would be a 112 2nd issue also. Can this metal reflect X-rays, which are electromagnetic radiation?

Continuation of 5. does NOT place the application in condition for allowance because: The applicant asserts that "Sano fails to teach, mention or suggest that reflector 30 shown in Fig. 5 is metal plating which reflects all wavelengths of at least visible light and electromagnetic energy away from the back surface glass plate, as recited in the proposed amendments to claim 2". The examiner notes that the reflector 30 of the Sano reference is a plate as it extends over all the pixel region of the display panel and is 2000 angstroms thick (col. 7 lines 1-3 and 9-12). The examiner notes that a plate is defined by Microsoft's Bookshelf Basics Dictionary as a very thin applied or deposited coat of metal, which reference 30 of the Sano reference meets. The Sano reference describes the plate as a film; However a film is a thin covering or coating, as defined using the Microsoft's Bookshelf Basics Dictionary. Reference 30 of Sano is a metal coating. The examiner notes that the reflector is made of aluminum which according to Moore U.S. Patent 6,570,339 is the most optimum metal film for reflecting both visible and plasma generated UV light (col. 10 lines 25-30). The examiner also notes that processes are not given patentable weight. In MPEP 2113 the manual states that "Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." Also Iijima U.S. Patent 6,300,989 discloses a reflecting plate made by aluminum-evaporating (col. 13 line 9). Kitatani et al. U.S. Patent 4,985,324 discloses aluminum coating by the method of vacuum evaporating plating (col. 49 lines 40-45).


ASHOK PATEL
PRIMARY EXAMINER